IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

MISC.APPLICATION NO.539 OF 2006

IN

CRIMINAL APPEAL NO.207 OF 2004

Pareshbhanjibhai Nanda @	] Applicant/
Bhanushali	] Respondent No.1
versus	
State of Maharashtra	: Respondent/ Org.Appellant

Mr.S.J.Chaurasia i/by Ashoka Law Firm for the applicnat.

Mr.V.B.Konde-Deshmukh, APP, for the State.

CORAM : D.G.DESHPANDE

S.A.BOBDE, JJ.

DATED : JUNE 22, 2006.

P.C.

1. This is an application filed by the

original accused for return of his passport. The applicant is original Respondent No.1. He was prosecuted for the offence under Section 302 of the Indian Penal Code. He was acquitted by the trial Court. The State has filed an appeal against the acquittal. The Appeal was admitted and action under Section 390 of the Cr.P.C. was ordered. In that action, the police have seized passport of the accused/respondent. Therefore, this application.

2. According to the advocate for the applicant/accused, the applicant/accused is a permanent resident of this country. He has got roots in this country. His family resides at Ghatkopar. He has landed and immovable property in Bombay. A business is being run by him in Bombay. Therefore, there is no possibility of the accused going away from this country. He is ready to abide such conditions that may be imposed by this Court.

3. In this view of the matter, the APMC Police Station, Vashi to hand over the passport of the applicant/accused/respondent No.1 to him. Whenever the applicant/accused plans to go out of

the country he will intimate his program well in advance to the APMC Police as well as Ghatkopar Police. The Misc.Application No.539 of 2006 is disposed of accordingly.

[D.G.DESHPANDE,J]

[S.A.BOBDE, J]